

CHAPTER 44 MINIMUM REQUIREMENTS FOR RADON MITIGATION

641—44.1(136B) Purpose and scope. This chapter establishes requirements for the credentialing of radon mitigation specialists. All persons performing abatement for radon or radon progeny in buildings, other than those which they occupy or those they are constructing for their own occupancy, must be credentialed in accordance with the provisions of this chapter. Certified mitigation specialists are responsible for ensuring that all radon mitigation systems for which they are responsible are installed following acceptable guidelines.

641—44.2(136B) Definitions. The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise.

“Credentialed radon mitigation specialist (mitigation specialist)” means an individual who evaluates diagnostic tests to determine appropriate radon or radon progeny mitigation strategies for a building, designs mitigation systems, installs or supervises the installation of radon or radon progeny mitigation techniques on buildings, and meets the requirements for credentialing provided by this chapter.

“Department” means the Iowa department of public health.

“Diagnostic tests” means tests performed or procedures used to determine appropriate mitigation methods for a building.

“EPA” means the United States Environmental Protection Agency.

“Mitigation system” means any system or materials installed for the purpose of reducing radon or radon progeny concentrations.

“Mitigator” means a person who installs mitigation systems for the purpose of abating radon levels within buildings.

“Radon” means the radioactive noble gas radon-222.

“Radon progeny” means the short-lived radionuclides formed as a result of the decay of radon-222.

“Working level month (WLM)” means a cumulative exposure to radon decay products calculated by multiplying the radon daughter concentration in units of working levels by the number of hours exposed and dividing by 170.

641—44.3(136B) General provisions.

44.3(1) Except as provided in this chapter, no person may mitigate for radon or radon progeny in Iowa for a fee or other remuneration unless such a person has been credentialed by the department.

44.3(2) Individual qualifications for radon mitigation specialist. No individual may be credentialed as a radon mitigation specialist unless all of the following conditions are met. The individuals shall:

- a.* Be at least 18 years of age at the time of application.
- b.* Possess three years of relevant professional work experience. Relevant postsecondary education may be substituted on a year-for-year basis for two of the three years of relevant professional work experience. Relevant postsecondary education includes a college curriculum in architecture, engineering, building construction, or the physical sciences. Relevant professional work experience includes the design or construction of buildings, or associated heating, ventilation, and air-conditioning systems, or closely related activities approved by the department.

- c.* Have successfully completed the EPA’s Radon Contractors Proficiency Program.

44.3(3) All applicants for credentialing must comply with Iowa Code chapter 136B and submit the following to the department:

- a.* An acceptable mitigation worker protection plan to follow when performing mitigation installations which includes, but is not limited to:

- (1) Procedures to follow to keep radiation exposure to workers as low as is reasonably achievable.
- (2) Methods to follow to reduce or minimize the radon concentration in the work area.

(3) Criteria for wearing properly fitted respirators anytime the radon decay product level is above one working level.

b. An acceptable quality assurance plan to follow when performing mitigation installations which includes, but is not limited to:

(1) A description of all diagnostic tests performed to determine the mitigation strategy, names of the individuals performing the diagnostic tests, and any other related services offered.

(2) Ensuring that all instruments are properly calibrated according to the manufacturer's recommendations.

(3) A description of all mitigation materials and systems offered.

c. A complete and accurate application on a form prescribed by the department.

44.3(4) Requirements for continued credentialing shall include, at a minimum, the following conditions:

a. An Iowa credentialed person shall allow the department, its agents, employees, and contractors, upon presentation of appropriate credentials and with just cause, to have access during regular business hours without undue delay to their facilities, offices and files for inspection and examination of records and equipment. Credentialed persons shall also allow the department, its agents, employees, and contractors to accompany them while performing any radon abatement measures, for the purpose of inspection of those activities, with the approval of the property owner or resident on whose property the activities are being performed.

b. The credentialed person shall remain in compliance with the Iowa Radon Testing and Abatement Act and this chapter. Any material changes in the information provided in the original application, including changes in credentialed personnel, shall be reported in writing to the department within ten working days of the change.

44.3(5) A credentialed person shall:

a. Cooperate with the department when conducting field evaluations.

b. Be present during scheduled visits by the department.

c. Not disclose to any other person, except to the department, the addressee or owner of a nonpublic building, the radon levels present in the building or abatement measures needed or performed, unless the building owner waives this right of confidentiality in writing.

d. Ensure that each building is tested for radon levels before and after mitigation work is performed. Such tests shall be of sufficient type, duration and consistency, and performed at such times and ventilation conditions as to allow for comparison of before and after mitigation radon levels. Pre-mitigation and postmitigation radon tests shall be performed independently by a measurement specialist or technician who is not employed by the same firm as the mitigation specialist performing the mitigation. Postmitigation radon tests shall be started no sooner than two days after mitigation. This requirement is not binding if the building owner waives the procedure, on a form prescribed by the department, before the mitigation process has started.

641—44.4(136B) Application for credentialing.

44.4(1) An application for credentialing or renewal of credentials as a radon mitigation specialist shall be filed on a form prescribed by the department, shall contain complete and accurate information and be accompanied by the appropriate fees as outlined in 641—subrule 38.8(10).

44.4(2) The department may require the applicant to submit supplementary statements containing additional information to enable the department to determine whether an application should be approved or denied, or whether a previously issued credential should be amended, suspended, or revoked.

44.4(3) Each application or supplementary statement shall be signed by either the applicant personally, or a person authorized in writing by the applicant to do so on the applicant's behalf.

44.4(4) A credential will be valid for one year following the date of issuance. No radon abatement covered by this chapter can be commenced after the expiration of the term of credentialing unless an

application for renewal has been received by the department within 30 days of the notice of expiration. All radon mitigation work commenced prior to expiration of credentialing must be completed within 30 days of the expiration date if renewal is not accomplished. If the application is rejected, no radon abatement may be conducted by that applicant in the state of Iowa if a financial arrangement is involved.

44.4(5) An application to renew credentials must contain the general information form and any changes in the initial credentialing application, along with the fee specified in 641—subrule 38.8(10).

44.4(6) Applications for initial and renewal credentialing must be submitted along with the appropriate fees specified in 641—subrule 38.8(10) to the Iowa Department of Public Health, Bureau of Radiological Health, Lucas State Office Building, Des Moines, Iowa 50319-0075. The fee must be in the form of a check or money order made payable to the Iowa Department of Public Health and must include on the check or money order, an indication of the purpose of the fee (i.e., Radon Mitigation Credentialing).

641—44.5(136B) Revocation of credentialing. The department will follow the procedures set forth in Iowa Code chapter 17A when revoking or suspending any credentials, in whole or in part for:

1. Any material misstatement in the application or in any supplementary statement.
2. Any condition revealed by the application, supplementary statement, report, record, or other evidence, which would warrant the department's refusal to grant a credentialing on an original application.
3. Any violation or failure to observe any of the applicable terms or provisions of credentialing, the public health law, or any other applicable rule, regulation, code or order.
4. Being discontinued or removed from the Environmental Protection Agency's Radon Contractors Proficiency Program.
5. Receiving compensation for ineffective radon remediation.

641—44.6(136B) Additional record-keeping requirements. A credentialed radon mitigation specialist shall maintain, for five years, a report of each mitigation activity which includes, but is not necessarily limited to:

1. The address or location of the building.
2. The name and phone number of the owner(s) of the building where the radon mitigation is conducted.
3. A written description of each mitigation system and materials installed, diagnostic test results and cost of each system.
4. The name of the certified radon measurement specialist or technician used to perform radon or radon progeny testing before and after radon mitigation of a building. This requirement does not apply if the building owner has waived the testing requirement set forth in subrule 44.3(5) and the mitigation specialist maintains a copy of the signed waiver.
5. The results of any initial or follow-up radon or radon progeny measurements performed and the measurement methods utilized. This requirement does not apply if the building owner has waived the testing requirement set forth in subrule 44.3(5) and the mitigation specialist maintains a copy of the signed waiver.
6. The results of the postmitigation radon measurements performed, including method of measurement and all pertinent dates. This requirement does not apply if the building owner has waived the testing requirement set forth in subrule 44.3(5) and the mitigation specialist maintains a copy of the signed waiver.

641—44.7(136B) Continuing education. All credentialed individuals must participate in a continuing education program each year consisting of a minimum of six hours of department-approved courses or seminars on radon mitigation.

641—44.8(136B) Exemptions. Credentialing requirements shall not apply to:

1. Those persons who mitigate radon/radon decay products in buildings that they occupy for their own use.
2. Those persons mitigating radon/radon decay products as part of scientific research approved by the department.

641—44.9(136B) Enforcement. A credentialed individual who mitigates for radon or radon progeny in the state of Iowa must meet the requirements of 641—Chapters 38 to 44.

641—44.10(136B) Penalties. It is unlawful for an individual to function as a radon mitigation specialist in violation of the provisions of the Iowa radon testing and abatement Act. Persons convicted of violating the provisions of the Iowa radon testing and abatement Act or 641—Chapter 44 shall be guilty of a serious misdemeanor.

These rules are intended to implement Iowa Code chapter 136B.

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